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REMARKS

Claims 1-37 were pending in the present Application.

Claims 1 and 22-25 were amended, leaving Claims 1-37 for further consideration in the present amendment. Support for the amendments can be found at least on page 9, ll. 16-19. Claim 1 has been further amended to correct a typographical error. No new matter has been introduced by these amendments.

Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

Claim Rejection Under 35 U.S.C. §§102(e) or 103(a)

Claims 1-6, 8-20, 22-25, 27-31, and 33-36 stand rejected under 35 U.S.C. § 102(e), as allegedly anticipated or alternatively, as allegedly obvious under 35 U.S.C. 103(a) by U.S. Pat. No. 6,432,897 to Cable (hereinafter "Cable"). Applicants respectfully traverse this rejection.

Cable is generally directed to aqueous based hard surface cleaners. The hard surface cleaner includes an organic solvent having a specific vapor pressure, at least one anionic surfactant or a mixture of anionic surfactants and nonionic surfactants, and a nitrogenous buffer that provides the cleaner with a pH greater than 6.5.

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Cable fails to anticipate Claims 1-6, 8-20, 22-25, 27-31, and 33-36 because Cable fails to disclose a total alcohol content of no more than about 0.80% by weight of the composition, which is a common feature of the rejected claims. Accordingly, the §102(e) rejection is improper and is requested to be withdrawn.

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For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art; and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Cable fails to teach or suggest an alcohol content of 0.005 to 0.80% by weight of the composition. Rather, Cable teaches and suggests an alcohol content greater than 1%. As indicated in Applicants' specification, the prior art generally teaches as a whole that having relatively high amounts of VOCs in the cleaner composition increases its effectiveness. Thus, Cable coupled with knowledge generally available in the art at the time of the invention would still fail to teach or suggest an alcohol content of 0.001 to 0.80% as claimed by Applicants. Applicants have surprisingly discovered that cleaner compositions comprising, *inter alia*, an alcohol content of 0.001 to 0.80 results in effective cleaning. Moreover, it is clear from Applicants extensive study as demonstrated by its Examples, that only the claimed compositions resulted in effective cleaning. That is, compositions comprising about 0.001% to about 2% by weight of an ammonium compound; about 0.001% to about 0.80% by weight of an alcohol, which can be the same or different as the ammonia compound; and balance being water; wherein the total alcohol content is no more than about 0.80% by weight of the composition. Merely decreasing the alcohol content does not necessarily result in effective cleaning properties.

With regard to the proximity of the claimed ranges with the ranges set forth in Cable, MPEP §2131.03 (II) sets forth the proper standard for determining anticipation as well as considerations for determining obviousness when analyzing ranges.

In order to anticipate the claims, the claimed subject matter must be disclosed in the reference with "sufficient specificity to constitute an anticipation under the statute." What constitutes "sufficient specificity" is fact dependent. If the claims are directed to a narrow range, the reference teaches a broad range and there is evidence of unexpected results within the claimed narrow range, depending on the other facts of the case, it may be reasonable to conclude that the narrow range is not disclosed with sufficient specificity to constitute an anticipation rejection.

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The unexpected results may also render the claims unobvious.

(MPEP 2131.03 (II))

In the present case, there is no sufficient specificity to constitute anticipation as defined in the MPEP. To be an effective cleaner, the prior art has consistently taught and suggested the use of cleaner compositions having relatively high VOCs. Because of this, to obtain effective cleaning at the claimed ranges is totally unexpected and clearly not anticipated by Cable, which teaches amounts of alcohol greater than 1%. Moreover, since the claimed cleaner compositions and methods result in unexpected and effective cleaning, the range provided by Cable does not render obvious the Applicants' narrower range.

In view of the foregoing, the rejection of Claims 1-6, 8-20, 22-25, 27-31, and 33-36 should be withdrawn.

First Claim Rejection Under 35 U.S.C. §§102 (b) or 103(a)

Claims 1-6, 8-20, 22-25, 27-31 and 33-36 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated or alternatively, as allegedly obvious under 35 U.S.C. 103(a) by U.S. Pat. No. 5,851,981 to Choy (hereinafter "Choy"). Applicants respectfully traverse this rejection.

Choy is generally directed to an aqueous cleaner composition including an organic solvent with a specific vapor pressure, at least one semi-polar nonionic surfactant having a specific formula, and a nitrogenous buffer in an effective amount to provide a pH greater than 6.5.

For reasons similar to that discussed above, Choy fails to anticipate and/or render obvious Applicants' claims because Choy fails to teach and/or suggest an alcohol content of 0.005 to 0.80% by weight of the cleaner composition. Like Cable, Choy also discloses an alcohol content greater than 1% by weight of the composition. Although the Office Action (No. 10 on Page 5) suggests that Choy teaches lower amounts of alcohol, this comment is wrong. Glycols structurally have -OH functionalities and because of this are technically alcohols. Thus, Choy does not teach alcohols less than 1% as alleged in the Office Action since the amount of glycol

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must be considered in calculating the total amount of alcohol in Choy's compositions. As a result, Choy teaches an alcohol content from 1 to 15% (see Choy, Col. 4, ll. 35-43), which is markedly different from Applicants claimed range of 0.001 to 0.80% by weight. As noted above, Applicants have unexpectedly discovered compositions and methods that effectively clean hard surfaces as demonstrated by the numerous examples in Applicants' specification. These compositions are not taught or suggested by Choy.

With regard to Applicants' Claim 37, Choy fails to disclose or suggest calculating a rate of penetration of the sample into soil. There is no disclosure or suggestion of contacting the composition with soil. Choy's tests are directed to streaking and filming performance. As such, Choy fails to teach or suggest calculating a rate of penetration since the streaking and filming performance had nothing to do with cleaning performance.

For at least these reasons, Claims 1-6, 8-20, 22-25, 27-31 and 33-36 are patentable over Choy.

Second Claim Rejection Under 35 U.S.C. §§102 (b) or 103(a)

Claims 1-6, 8-10, 12-20, 22-25, 27-31, and 33-36 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated or alternatively, as allegedly obvious under 35 U.S.C. 103(a) by U.S. Pat. No. 5,362,422 to Masters (hereinafter "Masters"). Applicants respectfully traverse this rejection.

Masters is generally directed to aqueous cleaning compositions containing amphoteric surfactants, anionic surfactants, and solvents.

As acknowledged by the Examiner, Masters generally teaches solvents in amounts ranging from 1-10% for dilute compositions. This is markedly different from Applicants claimed ranges for the reasons previously stated, which have in common the feature of an alcohol content ranging from 0.001% to 0.80%. At least this feature is not taught or suggested by Masters.

As all elements of Applicants' claims have not been taught, these claims are patentable over Masters.

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Third Claim Rejection Under 35 U.S.C. §§102 (b) or 103(a)

Claims 1-4, 6-20, 22-24, and 28-36 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated or alternatively, as allegedly obvious under 35 U.S.C. 103(a) by U.S. Pat. No. 4,315,828 to Church (hereinafter "Church"). Applicants respectfully traverse this rejection.

Church is generally directed to aqueous cleaner compositions that include water and a cleaning agent. The cleaning agent is characterized as ammonium hydroxide or a lower alcohol in combination with a specific glycol, which acts as a lubricant. There is no disclosure of cleaning compositions comprising about 0.001% to about 2% by weight of an ammonium compound; about 0.001% to about 0.80% by weight of an alcohol, which can be the same or different as the ammonia compound; and balance being water; wherein the total alcohol content is no more than about 0.80% by weight of the composition as claimed by Applicants.

Church fails to anticipate and/or render obviousness Applicants' claimed composition and methods because the cited reference fails to teach or disclose a composition comprising, *inter alia*, an alcohol content ranging from 0.005 to 0.80% by weight. For example, the Example referenced in the Office Action (Church, Table XII), teaches an alcohol content in excess 6% by weight. The Office Action disregards the amount of isopropanol and polyethylene glycol (MPEG) that is used in the formulation in addition to the amount of 1-propanol. As such, the cited reference fails to teach or disclose a composition comprising, *inter alia*, an alcohol content ranging from 0.005 to 0.80% by weight as alleged by the Office Action's reference to the Example.

With regard to the Examiner's comment with respect to Church's Claim 1, the claim fails to teach or suggest cleaning compositions comprising about 0.001% to about 2% by weight of an ammonium compound; about 0.001% to about 0.80% by weight of an alcohol, which can be the same or different as the ammonia compound; and balance being water; wherein the total alcohol content is no more than about 0.80% by weight of the composition as claimed by Applicants. Clearly, there is no surfactant in the claimed cleaning composition of Church. The use of surfactant is a common feature of Applicants' claims.

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Applicants' claimed combination of components is critical to its effectiveness as a cleaning composition. As demonstrated in comparative Examples 4 (water and ammonia cleaning composition) and 5 (water and alcohol composition), not having a surfactant in the composition did not result in effective cleaning (see Applicants' Table 3a). Accordingly, Church fails to anticipate or establish a prima facie case of obviousness.

For at least these reasons, the rejection is requested to be withdrawn.

Rejection under 35 USC 102(b)

Claim 37 stands rejected under 35 USC 102(b) as anticipated by US Patent No. 5,3856,750 to Aleksejczyk (hereinafter "Aleksejczyk"). Applicants respectfully traverse.

Claim 37 is directed to a method for evaluating the effectiveness of cleaning composition comprising contacting a sample with the cleaning composition, wherein said sample comprises a soil; calculating rate of penetration of the composition into the soil; and calculating removal effectiveness.

Aleksejczyk is generally directed to methods for improving wettability of aqueous solutions. The cited reference tested its mixtures according to a Draves Wetting Time Test, which is normally a test for the wetting power of a surfactant for cotton. In addition, the cited reference discloses measuring a change in contact angle upon dropping its mixtures onto a slide covered with a uniform waxy layer. As noted by the Patentees, the increase in wetting rate and spreading on an oily or wax surface is important for an agricultural pesticide materials that are normally applied to leaves.

Aleksejczyk fails to disclose Applicants' claimed feature of calculating rate of penetration of a cleaning composition into soil. There is no mention of soil. Rather, Aleksejczyk is examining the properties of its pesticide mixtures on oily and waxy surfaces. Oily and waxy surfaces are markedly different from soil.

In view of the foregoing, the rejection of Claim 37 is requested to be withdrawn.

It is believed that the foregoing amendments and remarks fully comply with the Office

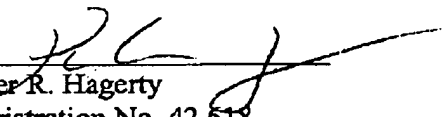
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Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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